

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sherman Kyle III,)	CASE NO. 5:11 CV 1395
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Richard Gansheimer, Warden,)	<u>Order</u>
)	
Defendant.)	

The Report and Recommendation of Magistrate Judge Burke (Doc. 31) recommending denying as moot both the respondent's Motion to Dismiss and the petitioner's Motion for Stay and Abeyance is ACCEPTED for the reasons stated therein.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 6/4/12